

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE MAIN HALL, CHARIS
CENTRE, WATER LANE, BISHOP'S
STORTFORD ON TUESDAY 25
SEPTEMBER 2012, AT 7.00 PM

PRESENT: Councillor S Rutland-Barsby (Chairman)
Councillors M Alexander, D Andrews,
E Bedford, A Burlton, Mrs R Cheswright,
G Jones, P Moore, M Newman, N Symonds
and G Williamson

ALSO PRESENT:

Councillors W Ashley, E Buckmaster,
P Gray, G McAndrew and C Woodward

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Control Team Leader
Fiona Brown	- Planning Technician
Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Annie Freestone	- Senior Planning Technician
Martin Plummer	- Assistant Planning Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Control Manager

ALSO IN ATTENDANCE:

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325 APOLOGIES

Apologies for absence were submitted on behalf of Councillors S Bull, G Lawrence and T Page. It was noted that Councillors N Symonds and G Williamson were in attendance as substitutes for Councillors T Page and S Bull respectively.

326 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting. She stated that the meeting was being videoed and the subsequent recording would be posted on the Council's website in due course.

327 3/12/0448/FP - DEVELOPMENT OF LAND TO PROVIDE A THREE STOREY HEALTH CENTRE AND ASSOCIATED CAR PARKING AND LANDSCAPING AT LAND AT SILVER LEYS, HADHAM ROAD, BISHOP'S STORTFORD, CM23 2QE FOR CARE CAPITAL GROUP LTD

The following people addressed the Committee in objection to the application:

- Alan Brierley
- Richard Browne
- Ann Brereton
- Brian Edwards, on behalf of the Bishop's Stortford Civic Federation

The following people addressed the Committee in support of the application:

- Helen Cuthbert
- David Sciberras.

The Director of Neighbourhood Services recommended

that, subject to the applicant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/12/0554/OP, planning permission be granted subject to the conditions now detailed.

The Director referred to the additional representation schedule for the representations received since the publication of the Committee report. He stated that the public speakers had made reference to many of the relevant issues, such as the highways and amenity impact and accessibility. Members must now judge whether the perceived harm that would result from this application was outweighed by the beneficial impacts.

Members were advised that the general theme of the National Planning Policy Framework (NPPF) was that significant weight should be applied to the provision of new community infrastructure projects and Officers had weighed such policies against the likely harmful impacts of the application.

Councillor G McAndrew, as the local ward Member, addressed the Committee in support of the application. He welcomed the opportunity for additional medical facilities that would benefit the heart of the sporting community of Bishop's Stortford. Councillor G McAndrew stressed that the new surgery would have disabled parking and was fully DDA compliant.

Councillor G McAndrew stated that there would be no significant increase in traffic and any increase would likely be covered by public transport and the private car. He commented that the existing South Street surgery had no parking and there was no dedicated parking for the medical facilities at Thorley Park.

Councillor G McAndrew commented that blood test services only currently available at the Herts and Essex Community Hospital would become available at Silverleys, as well as a variety of other services not

currently available at the South Street Surgery. He stated that the South Street Surgery would remain open for 4 years after the new surgery had opened.

Councillor G McAndrew concluded that the proposed facility would offer a substantially enhanced working environment for patients and for the doctors and other staff. He stated that the building had been designed for maximum possible privacy, tree planting would reduce noise and there was no danger of harm to protected species.

Councillor G Jones, as the other local ward Member, stated that parking was a major concern as the Silverleys site was busy, particularly at weekends with sporting events. He commented that there was no suggestion that the proposed medical centre would be closed at weekends, thereby further adding to parking pressures on the site.

Councillor G Jones referred to the accessibility issue and stated that, although some dwellings were within walking distance of the site, a majority would use cars as public transport to the site was limited. He stressed that there would undoubtedly be some residential impact and policy ENV1 of the East Herts Local Plan Second Review April 2007 stated that all development must respect residential amenity.

Councillor G Jones emphasised that Bishop's Stortford had insufficient sports fields, as some local clubs currently played home games in Essex. He stated that policy LRC1 was particularly relevant regarding the loss of outdoor playing facilities.

Councillor G Jones concluded that the surface drainage solution was not the most sustainable method and planning policy stipulated that applications should be refused unless the most sustainable solution was applied. He stated that the application should be refused as there were too many issues of concern regarding a medical

centre on land at Silverleys.

Councillor A Burlton stated that £30,000 for the provision of bus stops on Hadham Road was insufficient and public transport was poor in respect of accessing this site. He commented that many prospective patients were unable to drive. Councillor A Burlton commented that those who were statistically ill most often would not be able to walk up the substantial incline of Hadham Road to the Silverleys site.

Councillor N Symonds stated that there was no bus service from the Havers Estate to the site and there were many senior citizen social housing and disability homes, whose residents would struggle to access the Silverleys site. She commented that the NPPF required that all sectors of society should have access to community facilities.

Councillor N Symonds emphasised that about a quarter of residents of her ward did not have access to a car. She also stated that Bishop's Stortford Town Council had objected in relation to policies LRC1, ENV1, TR1 and SD1 of the East Herts Local Plan Second Review April 2007. Councillor N Symonds believed that the application did not conform to the settlement plan and she was not supportive of the application.

Councillor M Newman commented that despite recent heavy rain, he was of the opinion that the sports pitches remained perfectly playable and the assertion that they were unusable was a dubious statement. He stated that he remained open minded regarding this application.

Councillor M Newman commented on whether the pressing need for medical facilities overruled concerns relating to policy LRC1. He stated that the site was not located in a high density residential area.

Councillor M Newman concluded that the visual impact would be minimal as the proposed development sat below

the tree line. He acknowledged that there would be an audible impact for neighbouring residents.

The Director stated that the proposed D1 use would not change the permitted development (PD) rights for other users of the site and, as such, where uses were other than ancillary, they could not take place without the need for an additional planning consent. Members were advised that Officers could apply a condition regarding ancillary uses of the site.

The Director stated that the NPPF was a more recent planning document than the East Herts Local Plan Second Review April 2007. Members were reminded that the NPPF was a more strategic document that applied to the country as a whole. Considering the accessibility issue, the Director stated that Health Facilities had not been included in the NPPF in the category of main town centre uses. This indicated that sequential type assessments were not required.

Members were advised that the guidance in the NPPF indicated that sites that were within a town boundary should be considered more favourably for development purposes than sites that were not.

The Director stated that the Committee must reach a judgement as to whether the Silverleys site performed so poorly as to justify a refusal of planning permission in this respect, whilst balancing up the positive impacts of the proposals.

The Director advised that Members should consider that although the proposed drainage solution was not the best practice approach in terms of land surface drainage, the best practice approach would cause a substantial loss of land currently used for sports.

The Director concluded that Members must weigh up the benefits of a quality new facility that was well supported by NPPF policies regarding community infrastructure.

Members must judge whether the application was sufficiently harmful to justify a refusal of planning permission.

The Director stressed that Officers remained of the view that the benefits of the scheme outweighed the impacts of the application. Members were reminded that the issue of community infrastructure should be given significant weight.

Councillor M Alexander commented that the existing South Street premises was significantly less DDA compliant than the proposed medical centre at Silverleys, Hadham Road, particularly once a patient had arrived at the proposed new medical centre.

Councillor G Jones stated that the pharmacy use was class A1 retail and could not be viewed as an ancillary use to the proposed medical facility. He stated that some residents in the Silverleys area would clearly find access easier to the site in what was a sparsely populated edge of town location.

Councillor G Jones expressed a concern that town centre residents would lose out and from the point of view of the whole town, many people would find a doctor's surgery difficult to access at the Silverleys site.

The Director reiterated that the policies of the East Herts Local Plan Second Review April 2007 were 5 years older than the policy requirements of the NPPF, as such any decision maker should consider whether to give more weight to the NPPF policies.

In response to a comment from Councillor A Burlton regarding the fact that a pharmacy use was a wide area of retail provision, the Director stated the Committee must ultimately come to a view over whether the possible levels of harm meant that Members could not support the application. Members were advised that harm caused by virtue of the introduction of an A1 use could be controlled

by the application of conditions.

Councillor P Moore stated that this application provided a sound opportunity to secure a medical centre that would provide access to recent advances in medical care for East Herts residents.

In response to a request from Councillor M Alexander, the Director confirmed that use class D1 covered a wide range of uses. Members were advised that a condition could be added to control the amount of ancillary use in square metres with the remainder being the general GP medical use.

The Director advised that Members must be mindful of what any planning conditions sought to achieve and the Committee should take care not to impose conditions that failed to meet the standard tests and could be judged as unreasonable.

Councillor G Jones proposed and Councillor N Symonds seconded, a motion that application 3/12/0448/FP be refused on the grounds that the proposed development, by virtue of its location, was poorly served by sustainable modes of transport and, as a result, would have poor accessibility, particularly for elderly and frail members of society. The development would therefore be unsustainable in transport terms and would result in an important community facility which would not have an appropriate level of accessibility. The proposal would also be contrary to section 4 of the National Planning Policy Framework.

After being put to the meeting, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that, in respect of application 3/12/0448/FP, planning permission be refused for the following reason:

1. The proposed development by virtue of its location is poorly served by sustainable modes of transport and, as a result, it will have poor accessibility particularly for elderly and frail members of society. The development therefore would be unsustainable in transport terms and would result in an important community facility which does not have an appropriate level of accessibility. The proposal would thereby be contrary to section 4 of the National Planning Policy Framework.

328 3/12/0873/FP - CHANGE OF USE FROM OFFICE (B1) TO MEDICAL CENTRE (D1) AT BUILDING 1, MARRIOTT COURT, 101 LONDON ROAD, BISHOP'S STORTFORD, CM23 3DU FOR TANNERS WHARF LTD

Ann Brereton addressed the Committee against the application. Richard Coke spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0873/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the late representations schedule that had been circulated to Members.

Councillor N Symonds stated that this site was Brownfield land and she was keen to see this site brought into use as soon as possible.

Councillor N Symonds, as the local ward Member, commented that this site would allow local residents, including those in nearby social housing, as well as those at the Havers Estate, to walk to a doctor's surgery. She referred to an easier situation in terms of public transport, in particular the two bus routes that served this location.

Councillor N Symonds referred to the route from St Michael's Mead and the Hail and Ride Bus that also

served the Herts and Essex Community Hospital. She stated that this bus had wheelchair access and a carer often travelled on the bus to assist disabled users.

Councillor G Williamson referred to the comments of the Highways Officer in that, given the high staff numbers and relatively limited parking, a robust Green Travel Plan would be essential to ensure that sustainable modes of transport were used, to ensure that patients had access to an appropriate level of parking.

The Director stated that Officers had recommended an additional condition stipulating that, prior to the first occupation of any part of the development, a Green Travel Plan should be submitted to and approved in writing by the Local Planning Authority.

In response to a query from Councillor A Burlton, the Director advised that Officers had submitted a report to the meeting of the Committee on 12 September 2012, to ask that, if application 3/11/2137/SV had been determined, a variation of the Section 106 agreement to remove a £125,000 financial contribution towards the Bishop's Stortford Transportation Plan, would have been approved.

However, the Committee had resolved not to waive that Section 106 contribution and the expectation was that this Section 106 funding would be available. The Director advised however, that there had been an appeal against non determination of this application and the issue of the Section 106 agreement was on hold pending the outcome of that appeal.

In response to a further query from Councillor A Burlton, the Director gave further details of the proposals comprised in this application when compared to those of the application previously under consideration.

Members were advised that application 3/12/0873/FP would provide reception and waiting rooms,

approximately 15 consulting rooms, 5 treatment rooms, a minor operating theatre, sports injury clinic, physiotherapy unit, staff accommodation, meeting rooms, administration office and a pharmacy. The applicant had also indicated that the total number of permanent staff likely to be employed was 55.

The Director referred to the public transport links and stated that this application site was physically closer to the town centre of Bishop's Stortford than the Silverleys site. Members were advised that the Council's Parking SPD allowed for a reduction in parking of between 75-100%, which equated to a maximum requirement for around 75 spaces.

The Director stated that Officers had been of the view that the proposed provision of 60 spaces was acceptable in light of the information provided by the applicant in respect of the likely demand for parking.

Officers had also been mindful of the guidance in the NPPF, which stated that when setting local parking standards for non-residential development, local planning authorities should take into account the accessibility and type of development, as well as the availability of and opportunities for public transport, local car ownership levels and an overall need to reduce the use of high-emission vehicles.

Councillor M Newman commented that the design and access statement had been quite short when compared to the lengthy document submitted with application 3/12/0448/FP. He queried whether Members had enough information to determine this application.

The Director confirmed that, as this was a change of use application, information had been submitted in earlier applications with regard to the scale and size of the proposed development. As such, Officers were of the view that Members had sufficient information to reach a decision.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/0873/FP, planning permission be granted subject to the conditions detailed in the report now submitted and subject to the following additional condition:

1. Prior to first occupation of any part of the development hereby approved, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To promote the use of non car modes of transport in accordance with the National Planning Policy Framework and policy TR4 of the East Herts Local Plan Second Review April 2007.

The meeting closed at 8.50 pm

Chairman
Date